

EXHIBIT 15

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA ex)
rel. ROBERT REDDELL and)
ROBERT HENDRIX,)
)
Plaintiff,) Case Number
)
vs.) 1:14-cv-00086-MAC
)
DYNCORP INTERNATIONAL, LLC;)
DAMCO U.S.A. INC.,)
)
Defendant.)

REMOTE VIDEOCONFERENCE
VIDEO-RECORDED DEPOSITION OF STEVE TRAUTWEIN
Thursday, March 11, 2021, 8:02 a.m. MST

Goodyear, Arizona

Reported By: Marjorie Peters, FAPR, RMR, CRR, RSA
Job Number: 4466632

<p>1 REMOTE VIDEOCONFERENCE</p> <p>2 VIDEO-RECORDED DEPOSITION OF STEVE TRAUTWEIN,</p> <p>3 a witness herein, called by the Relators for</p> <p>4 examination, taken pursuant to the Notice, by and</p> <p>5 before Marjorie Peters, a Registered Merit Reporter,</p> <p>6 Certified Realtime Reporter and Notary Public in and</p> <p>7 for the Commonwealth of Virginia, Witness at</p> <p>8 Goodyear, Arizona, on Thursday, March 11, 2021, at</p> <p>9 8:02 a.m.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 A P P E A R A N C E S</p> <p>2 For the Defendant DynCorp:</p> <p>3 Luke Meier, Esquire</p> <p>4 Sara N. Gerber, Esquire</p> <p>5 BLANK ROME LLP</p> <p>6 1825 Eye Street NW</p> <p>7 Washington, D.C. 20006</p> <p>8 lmeier@blankrome.com</p> <p>9 +1.202.420.2249</p> <p>10</p> <p>11 ALSO PRESENT:</p> <p>12 Jason Lemley, Legal Videographer</p> <p>13 Bill Walter, Dixon Hughes Goodman, LLP</p> <p>14 Rachelle Barstow, Maersk</p> <p>15 Dani Elks, Damco</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 4</p>
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<p>1 Business systems administration. I 2 would characterize myself as an expert in that 3 arena.</p> <p>4 As well as FAR Part 31-type issues 5 on cost allowability.</p> <p>6 Q. Okay. The list that I have is cost 7 accounting systems and their administration, 8 contract administration within Department of 9 Defense, et cetera, CACO functions, business system 10 administration, and FAR 31.</p> <p>11 A. Yeah. I would correct you on the cost 12 accounting systems, you said. It was Cost 13 Accounting Standards.</p> <p>14 Q. Okay. Any other areas of expertise 15 besides those?</p> <p>16 A. Cut out there, last word.</p> <p>17 Q. Any areas of expertise besides those?</p> <p>18 A. Well, I would say I've developed a level 19 of expertise with respect to broader acquisition 20 issues.</p> <p>21 Oh, I left one out, too. A very 22 important one. I am an expert in terms of 23 commercial item determinations and commercial item 24 pricing.</p> <p>25 Q. Okay. Once again, I ask, are there any</p> <p style="text-align: right;">Page 42</p>	<p>1 guess I would have to understand who the lawyer was 2 with respect to their knowledge and ability, et 3 cetera.</p> <p>4 Q. So, Mr. Trautwein, you cut out 5 sound-wise there, and I have just noticed that I 6 don't know if you're using your -- are you using 7 your earbuds right now?</p> <p>8 A. I don't use the earbuds, but I have the 9 speaker here. Can you -- the earbuds were causing 10 me not to be able to hear. I can hear better 11 through the computer.</p> <p>12 Q. I can understand that myself, I would 13 rather not wear earbuds myself, but you are cutting 14 out again. I don't know if there's anything else 15 you can do about that.</p> <p>16 A. No, the computer speaker is open as well 17 as the earbud speaker. So I'm not sure what else I 18 can do.</p> <p>19 Q. Okay. We'll try to continue, but if 20 we're still having these issues, they may ask us to 21 try to correct it a little bit better.</p> <p>22 Okay. Do you have an understanding 23 about whether interpretation of a regulation is a 24 matter of law in a lawsuit?</p> <p>25 A. I couldn't answer that.</p> <p style="text-align: right;">Page 44</p>
<p>1 other areas of expertise you are claiming today?</p> <p>2 A. No.</p> <p>3 Q. You're not claiming expertise in freight 4 forwarding; correct?</p> <p>5 A. I am not, no.</p> <p>6 Q. Now, are you claiming expertise with 7 regard to the interpretation of FAR 31?</p> <p>8 A. Yes. As a contracting officer in 9 Department of Defense, that was a critical part of 10 my role, was oftentimes interpreting what FAR Part 11 31 or what the Cost Accounting Standards meant and 12 how they should be applied.</p> <p>13 Q. You're aware that FAR 31 is a 14 regulation; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And in claiming expertise in 17 interpreting a regulation, do you claim expertise in 18 the law?</p> <p>19 A. I do not, no.</p> <p>20 Q. What difference, if any, is there in how 21 you interpret -- let me restate.</p> <p>22 Do you believe that you have equal 23 expertise compared with a lawyer with regard to 24 interpreting FAR 31?</p> <p>25 A. I would not necessarily claim that. I</p> <p style="text-align: right;">Page 43</p>	<p>1 Q. Why cannot you answer that?</p> <p>2 A. I'm not sure if it's a matter of law or 3 not.</p> <p>4 Q. If a judge issues a ruling with regard 5 to interpreting the FAR regulations in a lawsuit in 6 which you are involved, do you understand whether 7 that judge is creating the law that governs that 8 case or not?</p> <p>9 A. That would be my laymen's understanding.</p> <p>10 Q. Since Mr. Walter testified, have you had 11 an opportunity to speak with him with regard to this 12 case?</p> <p>13 A. After his testimony?</p> <p>14 Q. Yes.</p> <p>15 A. Yes. We spoke briefly last night and 16 for about a minute this morning.</p> <p>17 Q. When you say "briefly," how long last 18 night?</p> <p>19 A. Oh, estimated, five, six minutes.</p> <p>20 Q. Do you have any opinions about this 21 case, at the current time, other than those which 22 are contained in your expert report?</p> <p>23 A. I -- do I have opinions about the case 24 other than what's in my expert report; is that what 25 you said?</p> <p style="text-align: right;">Page 45</p>

<p>1 Q. Yes.</p> <p>2 A. I haven't formed any definitive opinions</p> <p>3 other than what I focused on in my expert report.</p> <p>4 Q. Okay. Have you reviewed any additional</p> <p>5 materials since issuing your expert report?</p> <p>6 A. I believe I have, yes. I believe I</p> <p>7 reviewed Mr. Walter's rebuttal, and I reviewed</p> <p>8 another -- another opinion from Mr. Walker, I</p> <p>9 believe, after we issued our report.</p> <p>10 Q. Anything else?</p> <p>11 A. I don't recall other than review -- or I</p> <p>12 guess I'll call it refresh my memory with respect to</p> <p>13 some of the documents that were relied on in</p> <p>14 looking -- in drafting our expert report.</p> <p>15 Q. I'm sorry. Did you say you may have</p> <p>16 looked again at documents that you relied upon</p> <p>17 previously?</p> <p>18 A. Yes. For example, I re-looked at the</p> <p>19 commercial item pricing guide, for example, just to</p> <p>20 refresh my memory.</p> <p>21 Q. With regard to Opinion 1, how was the</p> <p>22 decision made to offer an opinion with regard to the</p> <p>23 bidding process?</p> <p>24 A. With regard to the admitting process,</p> <p>25 you said?</p> <p style="text-align: right;">Page 46</p>	<p>1 understanding my question; is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. I think that will be it for</p> <p>4 ground rules.</p> <p>5 So Opinion 1 of your report relates</p> <p>6 to the bidding process; correct?</p> <p>7 A. That's correct.</p> <p>8 Q. How did you come to decide to issue an</p> <p>9 opinion about the bidding process?</p> <p>10 A. The charter that we received from Blank</p> <p>11 Rome, at least -- it got called charter. It sounds</p> <p>12 more formal than it is, but the issues we were asked</p> <p>13 to address had to do with DynCorp's actions with</p> <p>14 respect to their subcontracting with Damco.</p> <p>15 So, obviously, a part of that would</p> <p>16 be the bidding process and the way the contract was</p> <p>17 entered into.</p> <p>18 Q. Okay. So in the materials that you</p> <p>19 looked at in order to assess that bidding process</p> <p>20 for Opinion 1 were what?</p> <p>21 Can you recall what materials you</p> <p>22 looked at in order to assess that bidding process?</p> <p>23 A. I -- I don't recall specifically, but I</p> <p>24 looked at an array of documentation with respect to</p> <p>25 some of the market research that DynCorp did with --</p> <p style="text-align: right;">Page 48</p>
<p>1 Q. Bidding process. That's what --</p> <p>2 A. Bidding. Bidding. I'm sorry. I have</p> <p>3 a --</p> <p>4 Q. I did not go over any ground rules for</p> <p>5 depositions before we started, and I probably should</p> <p>6 have because it's been a long time for you.</p> <p>7 So just like a few quick reminders.</p> <p>8 I'm really trying not to talk over you because I</p> <p>9 want to have a clear record, and if you could watch</p> <p>10 out for that, too, that would be helpful.</p> <p>11 A. Okay.</p> <p>12 Q. That's really the major one that I want</p> <p>13 to bring up.</p> <p>14 Whenever you want a break, just let</p> <p>15 me know, and other than answering the question that</p> <p>16 is on the table, if any, at that time, that's not</p> <p>17 going to be a problem at all.</p> <p>18 If there is anything that you cannot</p> <p>19 hear well, I ask that you let me know, and if you</p> <p>20 haven't, I'm going to assume that the audio is</p> <p>21 functioning accurately; is that fair?</p> <p>22 A. Yes.</p> <p>23 Q. If there's any question that you don't</p> <p>24 understand, I'm going to ask you to let me know that</p> <p>25 as well, and otherwise, I'll assume that you're</p> <p style="text-align: right;">Page 47</p>	<p>1 in terms of freight forwarding functions, as well as</p> <p>2 documentation on the pricing, ultimately.</p> <p>3 Q. Sorry. You cut out at the end of that</p> <p>4 last sentence.</p> <p>5 A. Looked at documentation with respect to</p> <p>6 the pricing.</p> <p>7 Q. Okay. What materials did you look at</p> <p>8 that reflected market research that was performed?</p> <p>9 A. I don't recall specifically.</p> <p>10 Q. Okay. So Opinion 1 says, "DynCorp</p> <p>11 conducted a thorough and appropriate process to</p> <p>12 select Damco as a Transportation Services Provider,</p> <p>13 using market research, proposal evaluation, and</p> <p>14 cost/price analysis techniques recognized as</p> <p>15 sufficient under the proposal solicitation and</p> <p>16 evaluation provisions in FAR Part 15"; right?</p> <p>17 A. Correct.</p> <p>18 Q. So you have offered the opinion that</p> <p>19 DynCorp used appropriate market research in this</p> <p>20 bidding process; right?</p> <p>21 A. That's correct.</p> <p>22 Q. And that the process was adequate as a</p> <p>23 whole; right?</p> <p>24 A. That the process of market research was</p> <p>25 adequate as a whole?</p> <p style="text-align: right;">Page 49</p>

<p>1 A. What number is it?</p> <p>2 Q. Let me see my notes.</p> <p>3 This is actually -- it has a former</p> <p>4 exhibit designation as well, and so we'll call it</p> <p>5 Exhibit 0003.</p> <p>6 A. Okay. I have it up.</p> <p>7 Q. Okay. I'm going to direct you to a page</p> <p>8 on this one. If you could look at -- let's see,</p> <p>9 this is going to be electronic -- kind of hard to</p> <p>10 see the electronic pages, so let me count them.</p> <p>11 4.</p> <p>12 A. Okay. I'm on page 4.</p> <p>13 Q. At the top of page 4 -- and you may have</p> <p>14 to zoom in on it a little, I know the print --</p> <p>15 A. Yes, I have zoomed in.</p> <p>16 Q. All right. So on this version of this</p> <p>17 chart, can you see a column for Damco?</p> <p>18 A. I do not. Not on the top chart.</p> <p>19 Q. Okay. Let me give you a little help.</p> <p>20 Go --</p> <p>21 A. Oh, I'm sorry. I -- when I go down to</p> <p>22 the left side, I do see Damco.</p> <p>23 Q. So we're looking at the chart on the top</p> <p>24 of electronic page 4, that says, "Online Global</p> <p>25 Freight Forwarding."</p> <p style="text-align: right;">Page 66</p>	<p>1 Nagel was initially the supplier who was awarded</p> <p>2 what ended up being awarded to Damco in the end?</p> <p>3 A. I recall seeing somewhere in the</p> <p>4 documentation I reviewed that, in fact, Kuehne &</p> <p>5 Nagel was the initial awardee.</p> <p>6 Q. Okay. So I believe that we have said</p> <p>7 that you had -- when you evaluated DynCorp's</p> <p>8 evaluation of proposals, you had not had the</p> <p>9 opportunity to review either of these documents that</p> <p>10 indicate technical scoring for the bidders; correct?</p> <p>11 A. I don't recall if I reviewed these</p> <p>12 specific documents. I do recall that there was some</p> <p>13 document I reviewed that had a discussion of</p> <p>14 technical evaluations. I just don't recall</p> <p>15 specifically what that was.</p> <p>16 Q. Okay. Can you point out for me on</p> <p>17 Appendix A what document contained that technical</p> <p>18 review information?</p> <p>19 A. I don't recall.</p> <p>20 Q. Are you positive that it's there?</p> <p>21 A. Well, when you say "positive it's</p> <p>22 there," again, it could have been an attachment to</p> <p>23 one of the documents listed or embedded therein in</p> <p>24 terms of a discussion. I -- so I can't, with any</p> <p>25 degree of positivity, give you an answer on that.</p> <p style="text-align: right;">Page 68</p>
<p>1 A. I do -- yeah, I do see it now. It says,</p> <p>2 "Brian" -- I was looking at "Brian Andrusin" on top,</p> <p>3 and now it says -- underneath, it says, "Damco USA."</p> <p>4 I do see it.</p> <p>5 Q. That's right.</p> <p>6 So it says, "Brian Andrusin," and</p> <p>7 then, "Damco USA," at the top column; right?</p> <p>8 A. Correct.</p> <p>9 Q. What's the final score listed here?</p> <p>10 A. 72.</p> <p>11 Q. Okay. So have you ever seen this</p> <p>12 document before?</p> <p>13 A. I don't recall seeing this document.</p> <p>14 Q. Go to the first page.</p> <p>15 I just want to make sure, this</p> <p>16 document is listed -- is -- has the heading "Pricing</p> <p>17 Analysis, Global Freight Forwarding and</p> <p>18 Intra-Theater Transport RFP"; right?</p> <p>19 A. Correct.</p> <p>20 Q. Number 1 says that the suppliers are The</p> <p>21 Bright Group, UPS, Kuehne & Nagel, and Damco</p> <p>22 Logistics.</p> <p>23 Do you see that?</p> <p>24 A. I do see that.</p> <p>25 Q. Are you aware of the fact that Kuehne &</p> <p style="text-align: right;">Page 67</p>	<p>1 Q. But then it would be contained within</p> <p>2 the Bates label range that's indicated on your</p> <p>3 Appendix A; right?</p> <p>4 MR. MEIER: Objection. Asked and</p> <p>5 answered.</p> <p>6 A. Correct.</p> <p>7 Q. I'm sorry. Did you say "right"? It was</p> <p>8 hard to hear.</p> <p>9 A. I said "correct."</p> <p>10 Q. Okay. So, in any case, I take it that</p> <p>11 you can't provide an explanation today for why the</p> <p>12 technical scores listed for Damco during this</p> <p>13 process go from 72 to 82?</p> <p>14 MR. MEIER: Objection. Form.</p> <p>15 A. I can't provide an explanation for it.</p> <p>16 I know that changes in assessments are quite common</p> <p>17 in terms of evaluations of contractors, and they're</p> <p>18 also somewhat subjective on the part of individuals</p> <p>19 doing them.</p> <p>20 Q. So at the time that you evaluated</p> <p>21 DynCorp's proposal evaluation, you did so without</p> <p>22 access to the technical scoring, and the apparent</p> <p>23 change in technical scoring along the way; is that</p> <p>24 right?</p> <p>25 MR. MEIER: Objection. Form.</p> <p style="text-align: right;">Page 69</p>


<p>1 A. I don't recall having a knowledge or 2 understanding of a change in technical scoring. 3 Q. Okay. So the last part of your 4 statement of Opinion 1 says that you assessed and 5 found sufficient the cost/price analysis techniques 6 employed by DynCorp as part of the bidding process; 7 is that right? 8 A. That's correct. That's what the opinion 9 states. 10 Q. What was your understanding of what 11 those cost/price analysis techniques were? 12 A. Well, first and foremost, was the fact 13 that this was a competitively awarded subcontract. 14 Q. Okay. Other than being competitively 15 awarded, did you take into account any other aspect 16 of what you deemed a cost/price analysis technique? 17 A. Well, in addition to competition, there 18 was certainly the kind of price analysis one would 19 expect in an acquisition -- or in a subcontracting 20 action like this, where comparisons are made between 21 the offered prices. 22 Q. So that would be based on pricing 23 analysis information that you had found in an ACO 24 consent document? 25 A. Again, I don't recall specifically where</p> <p style="text-align: right;">Page 70</p>	<p>1 (Clarification requested by the Court Reporter.) 2 Q. This chart information. 3 That was my fault. I turned away. 4 A. I may have. I don't recall specifically 5 what documents those would be, though. 6 Q. Okay. So does that mean that you're 7 unable to point me to where Exhibit A is to be 8 indicated? 9 A. Yes. 10 Q. All right. In rendering Opinion 1, are 11 there any other materials that we haven't talked 12 about that you relied upon? 13 A. I don't recall if there's any other 14 materials specifically. Certainly, I relied upon my 15 experience and exposure to these kinds of issues 16 throughout my career. 17 MS. FRAZIER: It might be a good 18 time for a five-minute break, if that's good for 19 you. 20 THE WITNESS: Thank you. That works 21 for me. 22 THE VIDEOGRAPHER: Going off the 23 record. Time is 10:13. 24 (RECESS, 10:13 a.m. - 10:24 a.m.) 25 THE VIDEOGRAPHER: Back on the</p> <p style="text-align: right;">Page 72</p>
<p>1 I saw that or where I found it. 2 Q. Well, did you consider the November 2011 3 ACO consent document? 4 A. Did I consider that document in arriving 5 at my Opinion Number 1? 6 Q. Yes. 7 A. Yes, that was part of the consideration. 8 Q. I'm getting an exhibit. Bear with me 9 for a moment. 10 Let's go back to Exhibit 123, the 11 JOA from July 2012. 12 A. Okay. I have that up. 13 Q. Go to page 2 of 4, and it has the 14 heading "Price Analysis" at the top. 15 A. Okay. 16 Q. Does this appear to resemble the price 17 analysis that you found sufficient in rendering that 18 part of your Opinion 1? 19 A. Yes. This represents a reasonable 20 summary of it. 21 Q. Okay. In finding this pricing analysis 22 sufficient, did you look at any underlying 23 materials; any other pricing information, anything 24 else besides this chart information? 25 A. I may have --</p> <p style="text-align: right;">Page 71</p>	<p>1 record. This marks the beginning of media unit 2 number 2. Time is 10:24. 3 BY MS. FRAZIER: 4 Q. So as part of Opinion 1, Mr. Trautwein, 5 in item number 6 on page 3 of your expert report, 6 you make the assertion that in evaluating proposals, 7 DynCorp considered only the offerers' base rates and 8 did not try to make an apples-to-apples comparison 9 of accessorial charges; correct? 10 A. That is correct. 11 Q. What was the basis for that assertion? 12 A. For my assertion? 13 Q. Yes. 14 A. That was the understanding that I got 15 from the documentation that I reviewed, which again 16 I can't point you to specifically where it is, but I 17 recall seeing the documentation that addressed what 18 rates -- what details to compare in terms of the 19 rates. 20 Q. Okay. You can probably guess my next 21 question. 22 If you look at Appendix A, can you 23 pinpoint for me a document that supports that 24 DynCorp considered only offerers' base rates and not 25 accessorial charges?</p> <p style="text-align: right;">Page 73</p>

<p>1 A. I can't recall specifically, no.</p> <p>2 Q. So I'll show you an exhibit. I believe</p> <p>3 it's in your marked exhibits.</p> <p>4 (Previously marked Exhibit 124, e-mail, 8.11.2011,</p> <p>5 DamcoRR_00222391, was presented.)</p> <p>6 Q. Please look at Exhibit 124, previously</p> <p>7 marked.</p> <p>8 A. I have that exhibit up.</p> <p>9 Q. Okay. So have you ever seen this</p> <p>10 document before?</p> <p>11 A. I don't recall if I've seen this or not.</p> <p>12 Q. This is an August 11, 2011, e-mail from</p> <p>13 Brian Andrusin of Damco to Brian Perrenot of</p> <p>14 DynCorp, cc'ing another DynCorp representative; is</p> <p>15 that correct?</p> <p>16 A. I don't know the gentlemen or the</p> <p>17 references. I presume that's correct.</p> <p>18 Q. Do you see that it notes, we have taken</p> <p>19 the fuel and security out of the accessorial tab and</p> <p>20 added into the base rate structure?</p> <p>21 A. Yes.</p> <p>22 Q. This was during the time frame of the</p> <p>23 bidding process; correct?</p> <p>24 A. It appears so, yes.</p> <p>25 Q. Do you know whether -- I believe that</p> <p style="text-align: right;">Page 74</p>	<p>1 seeing it, I believe, during Ms. Cullum's</p> <p>2 deposition.</p> <p>3 Q. It was indeed offered during</p> <p>4 Ms. Cullum's deposition, I'll represent to you.</p> <p>5 Do you see that this is entitled</p> <p>6 "Record of Negotiations" at the top?</p> <p>7 A. Yes.</p> <p>8 Q. And then there is a sort of chart that</p> <p>9 has a column entitled "Summary of Negotiation</p> <p>10 Communications"?</p> <p>11 A. Yes.</p> <p>12 Q. And there are minutes that then ensue</p> <p>13 between Damco and DynCorp with regard to Damco's</p> <p>14 bid?</p> <p>15 A. Yes. I see that they've got the minutes</p> <p>16 or discussion of what occurred.</p> <p>17 Q. Let's go to -- let's see if I can get an</p> <p>18 electronic page -- electronic page 5.</p> <p>19 A. Okay. I'm at the top of page 5.</p> <p>20 Q. There's a reference to bid sheet 8 at</p> <p>21 the top of page 5; do you see that?</p> <p>22 A. No. We must be on a different page.</p> <p>23 Mine says electronic page 5.</p> <p>24 Okay. Mine's -- okay. Here. I'm</p> <p>25 at it now. Sorry.</p> <p style="text-align: right;">Page 76</p>
<p>1 your expert report points to discussions between</p> <p>2 DynCorp and the different bidders.</p> <p>3 Do you know whether DynCorp and</p> <p>4 different bidders discussed accessorials</p> <p>5 specifically?</p> <p>6 A. I don't recall specifically the</p> <p>7 discussions that I saw documented in the documents I</p> <p>8 looked at.</p> <p>9 Q. Did you attend Chelsea Cullum's</p> <p>10 deposition?</p> <p>11 A. I did, yes.</p> <p>12 Q. Do you recall that I asked her about</p> <p>13 discussions that occurred between DynCorp and Damco</p> <p>14 during the bidding process?</p> <p>15 A. I don't recall the specific discussion,</p> <p>16 but I'm sure that was touched on.</p> <p>17 (Previously marked Exhibit 125, Rates inclusive,</p> <p>18 DI-REDDELL 00707893-928, was presented.)</p> <p>19 Q. Please look at Exhibit 125 in your</p> <p>20 marked exhibits folder.</p> <p>21 A. Okay. I have it up.</p> <p>22 Q. Okay. Have you ever seen this document</p> <p>23 before?</p> <p>24 A. I don't know if I saw it during the</p> <p>25 preparation of my expert opinion, but I do recall</p> <p style="text-align: right;">Page 75</p>	<p>1 Q. Okay.</p> <p>2 A. I do see that.</p> <p>3 Q. Do you recall that bid sheet 8 in the</p> <p>4 request for proposals was the bid sheet for</p> <p>5 accessorial charges for OCONUS?</p> <p>6 MR. SHEPHARD: Objection to form.</p> <p>7 A. Also you were a little fuzzy. If you</p> <p>8 could repeat the question.</p> <p>9 Q. Do you recall that bid sheet 8, they</p> <p>10 would have been looking at was for accessorial</p> <p>11 charges, if any, on OCONUS?</p> <p>12 MR. MEIER: Objection to form.</p> <p>13 MR. SHEPHARD: Objection to form.</p> <p>14 A. I don't recall that bid sheet 8 was</p> <p>15 specifically focused on accessorials. Again, I just</p> <p>16 don't recollect if that's true or not.</p> <p>17 Q. Okay. Putting up an exhibit. I</p> <p>18 apologize for the slowness of this process, but</p> <p>19 apparently we should look at the rate sheet.</p> <p>20 While I'm doing that, do you -- if</p> <p>21 you could look at Appendix A again. Do you see that</p> <p>22 there's a rate sheet listed on there?</p> <p>23 A. I see rate sheet 8 is listed on</p> <p>24 Appendix A, yes.</p> <p>25 Q. Okay. Do you remember what it is?</p> <p style="text-align: right;">Page 77</p>

<p>1 say, "In its comparative assessment of offerors, 2 DynCorp considered only the offerers' base rates and 3 did not try to make an apples-to-apples comparison 4 of accessorial charges that might differ by 5 offerer," et cetera; correct? 6 A. Which number are you -- which paragraph 7 are you reading from? 8 Q. It's page 3 of your expert report at 9 Paragraph 6. 10 A. Paragraph -- which one? 11 Q. Paragraph 6. 12 A. Oh, okay. 13 I don't see any reference in 14 Paragraph 7 to accessorials. 15 Q. Paragraph 6. 16 A. Oh. 17 Yeah, what I said there, "In its 18 comparative assessment of offerers, DI only 19 considered the offerers' base rates, and did not try 20 to make an apples-to-apples comparison of 21 accessorial charges..." 22 That was the end result that they 23 ended up with in terms of their approach because, as 24 I understand it, they could not provide that common 25 comparison of accessorials amongst the various</p> <p style="text-align: right;">Page 106</p>	<p>1 I am -- page -- electronic 32 is Bates page 18706 in 2 Exhibit 0006. 3 A. Is that attachment B, comparative 4 pricing? 5 Q. It's the comparative pricing page with 6 the chart at the top. 7 Do you see that? 8 A. I do see the chart, yes. 9 Q. Now, this is an ACO consent from 10 November 2011. Is that -- do you understand that? 11 A. I haven't looked through the entire 12 document, but it's labeled "ACO Consent." So I just 13 haven't had a chance to refresh my memory with 14 respect to the entire document. 15 Q. Okay. Do you see the date for the ACO 16 consent? 17 A. Okay. I now see -- I've scrolled down. 18 I see the CACO letter dated 26 October 2011. 19 Q. All right. So we'll call it fall of 20 2011. 21 So back to page electronic 32, Barr 22 018706, this is the comparative pricing that was 23 submitted to the government for purposes of the ACO 24 consent; correct? 25 A. Could you repeat that? You -- it was</p> <p style="text-align: right;">Page 108</p>
<p>1 bidders. 2 Q. I cannot tell if you are modifying the 3 statement from your expert report or not. 4 Are you comfortable with the 5 statement from your expert report? 6 A. I am, yes. 7 Q. So it's your -- it's your assertion that 8 DynCorp considered only base rates in comparing 9 offerers; right? 10 A. In making the award and determining best 11 value, yes, that was the end result. 12 Q. So I have marked as a new exhibit what 13 is -- what's been designated, at least for now, as 14 Exhibit 0006. 15 Do you see that? 16 A. May take me a bit to get there. Let me 17 get out of full screen view here. 18 (Exhibit 0006, Advance Notification and ACO Request 19 Consent Form, BARR-18674-716, was marked for 20 identification.) 21 A. I do see Exhibit 0006, yes. 22 Q. Okay. Is this a document you reviewed 23 in forming your opinions? 24 A. Yes. I have seen this document. 25 Q. I'm going to look at another page, which</p> <p style="text-align: right;">Page 107</p>	<p>1 vague, what you say. It was hard to hear. 2 Q. This is the comparative pricing that was 3 submitted to the government for ACO consent; 4 correct? 5 A. Yes. 6 Q. Does this pricing -- you said that 7 DynCorp didn't look at the accessorials in awarding 8 the contract; correct? 9 A. I believe I said that they only 10 considered the base rates as evidenced by some of 11 the documents you put up. I believe there were 12 discussions on accessorials. 13 Q. So this chart does not -- this chart 14 reflects base rates; right? 15 A. I would -- I don't know that for a fact. 16 Q. Okay. Are you aware of any process that 17 DynCorp undertook to render accessorials that may 18 have been bid by different bidders into and 19 equivalent to add to the base rate so that this 20 chart could be made? 21 A. No, I am not. 22 Q. So can you think of any alternative to 23 this chart being based on base rates? 24 MR. SHEPARD: Objection to form. 25 A. Again, I wasn't there at the creation of</p> <p style="text-align: right;">Page 109</p>

<p>1 let's use a different example. Let's say there are 2 a number of oversize materials that are being flown 3 by a carrier, and Damco gets -- hires this carrier 4 to fly planes for it, but the carrier doesn't charge 5 anything for oversize. Would it be appropriate for 6 Damco to add on oversize?"</p> <p>7 You know what. I'm sorry. Let's 8 start this passage -- because it cuts off the 9 answer.</p> <p>10 Let me go back up. 11 So is it clear from this deposition 12 that Adam Nicholas believes, as he's testifying, 13 that in order to charge a hazmat charge under the 14 MSA between Damco and DynCorp, there has to be 15 actual hazardous material being shipped?</p> <p>16 A. That would seem to be a logical reading 17 of Mr. Nicholas's understanding as reflected in his 18 deposition, yes.</p> <p>19 Q. So before you said, you would want to 20 talk to DynCorp folks and understand if whether 21 there was maybe some agreement you were not aware of 22 under which they expected to be charged hazmat, even 23 where a hazardous material was not on board.</p> <p>24 Do you remember that?</p> <p>25 A. I do remember --</p> <p style="text-align: right;">Page 146</p>	<p>1 have language about other pricing, et cetera, which 2 provides fairly significant latitude in my opinion.</p> <p>3 Q. You mean the language about 4 modifications that can be made to the MSA?</p> <p>5 A. I think that's part of it, yes.</p> <p>6 Q. I would like to address Opinion 7 in 7 your report which states, "DynCorp's invoice review 8 practices and the type of supporting data DynCorp 9 obtained from Damco to support payment of its 10 invoices were adequate given the fixed price 11 commercial services nature of the MSA."</p> <p>12 Do you see that?</p> <p>13 A. I do see that, yes.</p> <p>14 Q. So earlier you stated that the only 15 deposition that you read in this case prior to 16 submitting your expert report was Jetta Aiello's 17 deposition; do you recall that?</p> <p>18 A. Yes. I think I may have also said I 19 read some of the -- I think I had presumed some of 20 the expert opinions were depositions, and that may 21 not be an accurate presentation, but Aiello's is the 22 only deposition of a non-expert that I recall 23 looking at, yes.</p> <p>24 Q. Well, sir, more to the point, all of the 25 initial expert reports were due on the same day,</p> <p style="text-align: right;">Page 148</p>
<p>1 MR. MEIER: Objection to form.</p> <p>2 A. I do remember -- I do remember that, 3 yes. I think I said I would like to talk to someone 4 from them, and if I didn't say it before, I would 5 also like to review the -- in more detail, the 6 subcontractual relationships -- the documents.</p> <p>7 Q. So as far as Adam Nicholas's testimony, 8 it doesn't support any notion that there was any 9 agreement between DynCorp and Damco to charge hazmat 10 charges if hazardous materials were not on board a 11 shipment; is that fair?</p> <p>12 A. I believe that's an accurate reflection 13 of his testimony, yes.</p> <p>14 Q. And have you read any materials in this 15 case and listed them on Appendix A that actually 16 indicate any such agreement between Damco and 17 DynCorp?</p> <p>18 A. I haven't seen any material that 19 specifically references hazmat and charges incurred, 20 et cetera.</p> <p>21 Q. Nowhere in the MSA does it actually 22 state that it's okay to charge all of the listed 23 accessories on all shipments; correct?</p> <p>24 A. To my recollection, it -- the MSA does 25 not specifically address that issue, but it does</p> <p style="text-align: right;">Page 147</p>	<p>1 were they not.</p> <p>2 MR. SHEPHARD: Objection to form.</p> <p>3 Q. I mean, let's just -- let's just put 4 this to bed as a housekeeping matter. I'm not 5 asking you about expert reports because you weren't 6 reading other defense expert reports as you were 7 giving your own expert report. They were all due at 8 the same time.</p> <p>9 Do you remember that?</p> <p>10 A. Again, as far as depositions, I believe 11 Aiello's is the only one I did look at.</p> <p>12 Q. So you did not read Krista Robinson's 13 deposition, then?</p> <p>14 A. I don't recall reading that, no.</p> <p>15 Q. So I take it you were unaware of her own 16 conclusions with regard to the adequacy of DynCorp's 17 invoice review practices?</p> <p>18 A. That's correct.</p> <p>19 Q. Give me a moment for some exhibit work 20 here.</p> <p>21 All right. I have now introduced 22 and waiting for it to come up, Exhibit 0010. 23 (Exhibit 0010, Robinson 7.23.2019 deposition 24 excerpts, was marked for identification.)</p> <p>25 Q. Excerpts of Krista Robinson's</p> <p style="text-align: right;">Page 149</p>

<p>1 deposition.</p> <p>2 A. I have it in my window.</p> <p>3 Q. So you are familiar with the fact that</p> <p>4 Jetta Aiello was describing her invoice oversight</p> <p>5 work as employing a three-way match method; correct?</p> <p>6 A. I don't recall the specific terminology,</p> <p>7 but I do remember that -- that term mentioned, and</p> <p>8 that she had developed her own process for reviewing</p> <p>9 the invoices.</p> <p>10 Q. Okay. Do you know whether DynCorp</p> <p>11 changed its invoice oversight practices over the</p> <p>12 course of the performance of the MSA?</p> <p>13 A. I don't know for certain, but it seems</p> <p>14 like in all of the documentation that I read that</p> <p>15 there were some adjustments to their invoice review</p> <p>16 process based on their initial experience.</p> <p>17 Q. So I'm going to ask you to look at</p> <p>18 page 120 -- depo excerpt page 120.</p> <p>19 A. Okay.</p> <p>20 Q. So in discussion about -- let me back up</p> <p>21 and ask you, are you aware of the fact that in</p> <p>22 December 2012 DynCorp submitted a justification of</p> <p>23 award to attempt to retroactively get approval for</p> <p>24 prices under the MSA?</p> <p>25 A. I do recall that. I don't recall all of</p> <p style="text-align: right;">Page 150</p>	<p>1 invoices came across, and that Jetta was able to</p> <p>2 approve them prior. That's what I was going to say.</p> <p>3 This is what, I think, one of the problems that we</p> <p>4 had with this is that then it went back over to the</p> <p>5 program office for the program to review the</p> <p>6 invoices prior to payment."</p> <p>7 And I asked, "And was that a</p> <p>8 reaction to realizing the system had failed?"</p> <p>9 And the answer was given, "Do you</p> <p>10 mean that the system being the CPSR or the process</p> <p>11 in general?"</p> <p>12 And I said, "The invoice approval</p> <p>13 process."</p> <p>14 Krista Robinson answers at the</p> <p>15 bottom of page 120, "Yes, yes, yes. It was -- it</p> <p>16 was -- it was unreasonable to expect that a</p> <p>17 logistics clerk like Jetta could be knowledgeable</p> <p>18 enough about these dynamics to be able to -- that</p> <p>19 was unrealistic."</p> <p>20 And I asked, "To be able to what?"</p> <p>21 She answers, "To approve the</p> <p>22 invoices against a document, and if there is a</p> <p>23 question on how to read it or question it or</p> <p>24 highlight it."</p> <p>25 Then I asked, "Okay. And why was it</p> <p style="text-align: right;">Page 152</p>
<p>1 the details of it.</p> <p>2 Q. Are you aware that months before that,</p> <p>3 some at DynCorp were surprised to learn what rates</p> <p>4 were being charged by Damco?</p> <p>5 A. I remember reading some e-mail traffic</p> <p>6 in the documents that I reviewed that indicated some</p> <p>7 level of surprise on DynCorp's part.</p> <p>8 Q. Okay. Well, I will represent to you</p> <p>9 that that is a subject of general discussion as this</p> <p>10 passage begins.</p> <p>11 A. You cut out there. You cut out there.</p> <p>12 I'm sorry. I don't -- if you can repeat your</p> <p>13 representation.</p> <p>14 Q. Yep.</p> <p>15 I will represent to you that that</p> <p>16 was the general subject of discussion at the time</p> <p>17 that this passage that we'll look at occurs.</p> <p>18 A. Okay. Thank you.</p> <p>19 Q. On page 120, line 9, I was the</p> <p>20 questioner, I asked, "What was the problem here as</p> <p>21 you understood it at the time? What was the problem</p> <p>22 here that this was able to happen?"</p> <p>23 Do you see that?</p> <p>24 A. I do see that.</p> <p>25 Q. And Krista Robinson answered that, "The</p> <p style="text-align: right;">Page 151</p>	<p>1 unreasonable to ask Ms. Aiello to have those</p> <p>2 particular duties on her own?"</p> <p>3 Ms. Robinson answered, "Just a</p> <p>4 mammoth -- the massive amount of freight that was</p> <p>5 moving at the time. She wasn't just doing it only</p> <p>6 on behalf of LOGCAP. She was doing it on behalf of</p> <p>7 multiple programs. So I think that back-end part of</p> <p>8 the process broke down when -- when it moved over to</p> <p>9 the COE."</p> <p>10 I'll represent to you that that is</p> <p>11 likely a reference to the Centers of Excellence.</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes, you did.</p> <p>14 Q. Then down at the bottom of page 121,</p> <p>15 Krista Robinson says, "I felt better once I moved</p> <p>16 over to the program office if the program themselves</p> <p>17 did it. That was one of the great learnings I had</p> <p>18 from moving from the COE over to the program office</p> <p>19 itself."</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes, you did.</p> <p>22 Q. You understand that Krista Robinson</p> <p>23 moved the invoice oversight process that she's</p> <p>24 talking about here to the LOGCAP folks at some point</p> <p>25 before she was deposed about this?</p> <p style="text-align: right;">Page 153</p>

<p>1 CERTIFICATE OF COURT REPORTER</p> <p>2</p> <p>3 I, Marjorie Peters, Fellow of the Academy of</p> <p>4 Reporting, Registered Merit Reporter, Certified</p> <p>5 Realtime Reporter, Notary Public the Commonwealth of</p> <p>6 Virginia, before whom the foregoing deposition was</p> <p>7 taken, do hereby certify that the foregoing</p> <p>8 transcript is a true and correct record of the</p> <p>9 testimony given; that said testimony was taken by me</p> <p>10 stenographically and thereafter reduced to</p> <p>11 typewriting under my direction and that I am neither</p> <p>12 counsel for, related to, nor employed by any of the</p> <p>13 parties to this case and have no interest, financial</p> <p>14 or otherwise, in its outcome.</p> <p>15 I further certify that signature was not</p> <p>16 waived by the witness.</p> <p>17</p> <p>18 IN WITNESS WHEREOF, I have hereunto set my</p> <p>19 hand this 6th day of April, 2021.</p> <p>20</p> <p>21</p> <p>22 </p> <p>23 Marjorie Peters, FAPR, RMR, CRR</p> <p>24 My Commission expires on August 31, 2024.</p> <p>25</p> <p style="text-align: right;">Page 158</p>	<p>1 United States Of America Ex Rel. v. Dyncorp International</p> <p>2 Steve Trautwein (#4466632)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE _____ LINE _____ CHANGE _____</p> <p>5 _____</p> <p>6 REASON _____</p> <p>7 PAGE _____ LINE _____ CHANGE _____</p> <p>8 _____</p> <p>9 REASON _____</p> <p>10 PAGE _____ LINE _____ CHANGE _____</p> <p>11 _____</p> <p>12 REASON _____</p> <p>13 PAGE _____ LINE _____ CHANGE _____</p> <p>14 _____</p> <p>15 REASON _____</p> <p>16 PAGE _____ LINE _____ CHANGE _____</p> <p>17 _____</p> <p>18 REASON _____</p> <p>19 PAGE _____ LINE _____ CHANGE _____</p> <p>20 _____</p> <p>21 REASON _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Steve Trautwein Date _____</p> <p>25</p> <p style="text-align: right;">Page 160</p>
<p>1 Mr. Luke Meier, Esq.</p> <p>2 lmeier@blankrome.com</p> <p>3 April 6, 2021</p> <p>4 RE: United States Of America Ex Rel. v. Dyncorp International</p> <p>5 3/11/2021, Steve Trautwein (#4466632)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 errata-tx@veritext.com.</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 159</p>	<p>1 United States Of America Ex Rel. v. Dyncorp International</p> <p>2 Steve Trautwein (#4466632)</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4 I, Steve Trautwein, do hereby declare that I</p> <p>5 have read the foregoing transcript, I have made any</p> <p>6 corrections, additions, or changes I deemed necessary as</p> <p>7 noted above to be appended hereto, and that the same is</p> <p>8 a true, correct and complete transcript of the testimony</p> <p>9 given by me.</p> <p>10</p> <p>11 _____</p> <p>12 Steve Trautwein Date _____</p> <p>13 *If notary is required</p> <p>14 SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>15 _____ DAY OF _____, 20____.</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19 NOTARY PUBLIC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 161</p>